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EXAMINER

ROSE, HELENE ROBERTA

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/612,653	Applicant(s) GAYNOR ET AL.	
	Examiner Helene R. Rose	Art Unit 2163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-94 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-94 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>02 July 2003</u> . | 6) <input type="checkbox"/> Other: _____ |

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Detailed Action

1. Claims 1-94 have been presented for examination.
2. Claims 1-94 have been rejected.

Claim Rejections – 35 U.S.C 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-94 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claims 1,5-10,12-24,28-42,44-49,54-73,79-88,and 90-94 recite the limitation "creative content file(s)". It's unclear to the examiner to convey what is meant/defined by the "creative content file(s)" because the limitation isn't defined within the specification. Claims 2-3,11-12,25-27,43-44,50-53,74-78,and 89 are rejected because they depend from the rejected claims stated above. Therefore, the examiner will examine the claim language without the limitation "creative content file(s)", its unclear to the examiner what "creative content file(s) constitutes.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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6. Claims 15, 22-23, 38, 45-46, 48-49, 64, 72-73, and 88 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Claims 15, 22-23, 38, 45-46, 48-49, 64, 72-73, and 88 recite the limitation "micro-price range". There is insufficient antecedent basis for this limitation in the claim. Additionally, claim 1 recites "micro-pricing". It is unclear whether this is intended to be the same as or different from the "micro-price range" stated within claims 15, 38, 64, and 88. Thus, all claims 15, 38, 64, and 88 have been examined with the examiner's broadest reasonable interpretation as herein.

8. Claims 22-23, 45-46, 48-49 and 72-73 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are identified in bold and underline format: "**calculating**" a creative content file rating" and "**combined**" rating. It is unclear for the examiner to interpret how the rating was calculated and how the rating was combined, nor was the calculation method or combined procedure described within the specification for further clarification. So, therefore claims 22-23, 45-46, 48-49 and 72-73 have been examined with the examiner's broadest reasonable interpretation as herein.

Claim Rejections – 35 U.S.C - 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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10. Claims 1-17, 19, 21, 24-40, 42, 44, 47, 50-66, 68-69, 71, 74-90, 92, and 94 are rejected under 35 U.S.C. 102(b) as being anticipated by Stefik et al (US Patent No. 5,629,980).

Claims 1 and 24:

Regarding claims 1 a method and 24 a system, Stefik teaches a system/method for distributing a plurality of electronic creative content files (column 3, lines 51-56, Stefik) utilizing micro-pricing (column 23, lines 51-53, wherein the development of low-overhead billing for transactions are in small amounts and column 48, lines 39-41, Stefik), comprising:

- a processor for executing an application (see Figure 12, diagram 1201, and column 4, lines 8-9, Stefik); and

- a memory in communication with the processor (see Figure 12, diagram 1202, Stefik), wherein the application comprises:

- a first code segment for receiving the creative content files from a plurality of users (column 13, lines 62-64, Stefik);

- a second code segment for storing the creative content files in the memory, the creative content files being retrievable from the memory (see Figure 12, diagram 1207 and column 14, lines 28-29, Stefik);

- a third code segment for receiving a request for the purchase of one of the creative content files from one of a plurality of users (see Figure 2, diagram 201 and column 7, lines 43-55, Stefik);

- a fourth code segment for debiting funding from an electronic funding account associated with one of the plurality of users (column 24, lines 4-45, Stefik); and

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a fifth code segment for transmitting the creative content file ' to the one of the plurality of users (column 23, lines 1-2, Stefik).

Claims 2,25,50, and 74:

Regarding claims 2,25,50, and 74, Stefik teaches providing for establishing the electronic funding account associated with the one of the plurality of users (column 24, lines 26-29 and lines 34-42, Stefik).

Claims 3,26,52, and 76:

Regarding claims 3,26,52, and 76, Stefik teaches the step of providing for: crediting the electronic funding account associated with the one of the plurality of users (column 48, lines 18-20, Stefik).

Claims 4,27,53 and 77:

Regarding claims 4,27,53 and 77, Stefik teaches the step of providing for: establishing a user account for one of the plurality of users (column 27, lines 44-48, column 29, lines 42-56, Stefik).

Claims 5,28,54, and 78:

Regarding claims 5,28,54, and 78, Stefik teaches wherein the memory comprises an index of the creative content files stored in the memory (column 4, lines 29-32, Stefik).

Claims 6, 29,55, and 79:

Regarding claims 6 29,55, and 79, the step of providing for searching the index (column 49, lines 4-7 and column 48, lines 65-67, Stefik) to locate one of the

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creative content files based on at least type, subject matter, author name, submitter name, title, date, and/or rating (columns 9-10, lines 54-57 and lines 1-2, respectively and column 10, lines 59-65, wherein Table 1 is listed, Stefik).

Claims 7,30,56, and 80:

Regarding claims 7,30,56, and 80, Stefik teaches the step of providing for receiving a revised version of one of the creative content files from one of the plurality of users (column 35, lines 55-58, and lines 61-65, Stefik).

Claims 8,31,57, and 81:

Regarding claims 8,31,57 and 81, Stefik teaches wherein the step of receiving the creative content files from the plurality of users comprises the step of providing for receiving a summary of the one of the creative content files from one of the plurality of users (see Figure 1, all features and column 7, lines 33-37, Stefik).

Claims 9,32,58, and 82:

Regarding claims 9,32,58, and 82, Stefik teaches the step of providing for generating a summary of one of the creative content files (see Figure 3, all features, column 8, lines 10-20, and column 17, lines 24-29, Stefik).

Claims 10,33,59, and 83:

Regarding claims 10,33,59 and 83, Stefik teaches the step of providing for classifying one of the creative content files received from the plurality of users based on at least type (see Figure 2, wherein various repository types are defined, Stefik), subject matter (column 10, Table 1, all digital work state information, Stefik), submitter name (column 27, lines 17-18, Stefik), title (column 27, line 18, wherein the

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session identifier is equivalent to title, Stefik), author name (column 10, lines 64-65, Stefik), date (column 19, lines 1-3, Stefik), and/or rating (column 10, lines 59-65, wherein Table 1 is defined, Stefik).

Claims 11,34,60, and 84:

Regarding claims 11,34,60, and 84, Stefik teaches wherein the step of providing for determining the type of the one of the creative content files (column 51, lines 1-4, Stefik).

Claims 12,35,61, and 85:

Regarding claims 12,35,61, and 85, Stefik teaches the step of providing for transmitting summaries of the creative content files to one of the plurality of users (column 33, lines 1-7, wherein transmitting information during a transaction and column 20, line 4, Stefik), the summaries sorted by at least type (see Figure 2, wherein various repository types are defined, Stefik), subject matter (column 10, Table 1, all digital work state information, Stefik), submitter name (column 27, lines 17-18, Stefik), title (column 27, line 18, wherein the session identifier is equivalent to title, Stefik), author name (column 10, lines 64-65, Stefik), date (column 19, lines 1-3, Stefik), and/or rating (column 15, lines 41-44, wherein document repositories have a ranking system, Stefik).

Claims 13,36,62, and 86:

Regarding claims 13,36,62, and 86, Stefik teaches providing for establishing the price of one of the creative content files (column 24, lines 34-42, Stefik).

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Claims 14,37,63,and 87:

Regarding claims 14,37,63, and 87, Stefik teaches wherein the step of providing for establishing the price of one of the creative content files comprises the step of:

providing for receiving the price of the creative content files from the submitter of the creative content file (column 24, lines 48-57, Stefik).

Claims 15,38,64, and 88

Regarding claims 15, 38,64, and 88, Stefik teaches the step of:

providing for limiting the submitter of the creative content file to a predefined micro-price range (column 21, lines 53-55 and columns 21-22, lines 62-67 and lines 1-8, wherein some rights may be exercised during a fixed and predetermined durations, Stefik).

Claims 16,39,65, and 89:

Regarding claims 16,39,65, and 89, Stefik teaches wherein the step of providing for establishing the price of one of the creative content files (column 44, lines 5-10, wherein the seller sets his/her own price, Stefik) comprises the step of:

providing for determining the price based on at least length, date, author, subject matter, and/or type (column 44, lines 15-18, wherein an distributor (i.e. submitter) grants an Extract [refer to Table 1, column 10, lines 61-65] right on the shell, Stefik).

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Claims 17,40,66, and 90:

Regarding claims 17,40,66, and 90, Stefik teaches the step of: providing for preventing the purchase of one of the creative content tiles (column 44, lines 54-59, Stefik) by one of the plurality of users if the one of the plurality of users does not have an established electronic funding account (columns 44-45, lines 63-67 and lines 1-3, wherein only license distributors can add fees to be paid, Stefik).

Claims 19,42,69, and 92:

Regarding claims 19,42,69, and 92, Stefik teaches the step of providing for notifying the submitter of the creative content file that the creative content file has been purchased (column 47, lines 41-44, wherein it alerts the creator that the upgrade transaction has taken place, Stefik).

Claim 21 and 44:

Regarding claims 21 and 44, Stefik teaches wherein each of the creative content files a type, a subject matter, an author name, a submitter, name, a title, and/or a date, further comprising the step of:

providing for ranking the plurality of creative content files for at least type subject matter, author name, submitter name, and/or date (column 15, lines 41-44, wherein document repositories have a ranking system, Stefik).

Claims 51 and 75:

Regarding claims 51 and 75, Stefik teaches providing for debiting funding from an electronic funding account associated with one of the plurality of users (column 24, lines 4-45, Stefik).

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Claims 71 and 47:

Regarding claims 71 a system and 47 a method, Stefik teaches a system/method for distributing a plurality of electronic creative content files (column 3, lines 51-56, Stefik), wherein each creative content file has at least type, subject matter, author name, submitter name, title, and/or date, comprising:

a processor executing an application (see Figure 12, diagram 1201, and column 4, lines 8-9, Stefik); and

a memory in communication with the processor (see Figure 12, diagram 1202, Stefik); wherein the application comprises:

a first code segment for receiving the creative content files from a plurality of users (column 13, lines 62-64, Stefik);

a second code segment for storing the creative content files in a memory, the creative content files being retrievable from the memory (see Figure 12, diagram 1207 and column 14, lines 28-39, Stefik);

a third code segment for ranking the plurality of creative content files for at least type, subject matter, author name, submitter name, title, and/or date (column 15, lines 41-44, wherein document repositories have a ranking system, Stefik);

a fourth code segment for receiving a request for the purchase of a creative content file from one of a plurality of users (see Figure 2, diagram 201 and column 7, lines 43-55, Stefik); and

a fifth code segment for transmitting the creative content file to the one of the plurality of users (column 23, lines 1-2, Stefik).

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Claim Rejections – 35 U.S.C – 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 18,20,22-23,41,43,45-46,48-49,67,70,72-73,91 and 93 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stefik et al (US Patent No. 5,629,980, hereinafter Stefik) in view of Chatani et al (EP Patent No. EP 1 255 213 A2, hereinafter Chatani).

Claims 18,41,67, and 91:

Regarding claims 18,41,67, and 91, Stefik discloses all the limitations above, Stefik does disclose online information retrieval services typically charge for access in a way that most clients find unpredictable and uncorrelated to value or information use, wherein the fee depends on which databases are open, dial-up connect time, how long the searches require, and which articles are printed out. However, Stefik does not displaying the creative content file on a Web site, electronically mailing the creative content file, and/or providing the creative content file for download. On the other hand Chatani discloses displaying the creative content file on a Web site (column 4, lines 28-32, and column 9, lines 9-23, wherein information is displayed and stored in the customer database associated with customer id, Chatani), electronically mailing the creative content file, and/or providing the creative content file for download (column 4, lines 32-36, wherein accessing, downloading, and

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manipulating data are implemented by central process units and column 4, line 54, wherein the downloaded instructions may be directly supported by the CPU, Chantani). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Stefik teaching Chatani teaching to display the creative content file on a Web site, electronically mailing the creative content file, and/or providing the creative content file for download. A skilled artisan would have been motivated to do so by utilizing a web server because it allows users to be able to add their own monitoring items as they like, flexibility of the services in accordance with the each user's various monitoring requirements, detecting unauthorized access, and the visual/graphic content that can be displayed to the user wherein the use purchases a document, the user is able to see confirmation/receipt of purchase and save there confirmation/receipt within the application processor memory to view the content at a latter date.

Claims 20, 43,70, and 93:

Regarding claims 20,43,70, and 93, Chatani teaches wherein the step of providing for notifying the submitter of the creative content file that the creative content file has been purchased comprises providing for at least displaying purchase information on a Web site (column 4,lines 28-32 and column 9, lines 9-23, wherein information is displayed and stored in the customer database associated with customer id, Chatani) and/or electronically mailing purchase information to the first user (column 4, lines 46-53, wherein a response to a message is transmitted to the client over a network by the server, Chatani).

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Claims 22,45,48, and 72:

Regarding claims 22,44,48 and 72, Chatani teaches wherein providing for calculating (column 3, lines 2-7, Chatani) a creative content file rating of one of the plurality of creative content files based on the number of times the one of the plurality of creative content files has been purchased (see Figure 5, all features, column 9, lines 33-42, wherein purchasing of books, column 10, lines 25-45, wherein rating function is utilized, Chatani).

Claims 23,46,49 and 73:

Regarding claims 23,46,49, and 73, Chatani teaches wherein the step of ranking comprises:

providing for calculating a combined rating of one of the plurality of creative content files based on at least one user rating received from at least one of the plurality of users (see Figure 6, all features and column 11, lines 8-33, wherein a combined rating is utilizing value of reading, and similarity rate, Chatani).

Claims 68 and 94:

Regarding claims 68 and 94, Chatani teaches the step of providing for generating a Web Page (column 2, lines 42, 43, Chatani) for one of the plurality of user based on the ranking of the plurality of creative content files (column, 6, lines 21-34, wherein a web page is created, Chatani).

Prior Art of Record

1. Stefik et al (US Patent No. 5,629,980) discloses a system for controlling use and distribution of digital works, wherein the owner of a digital work attaches usage rights to that work.

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2. Chatani et al (EP Patent No. EP 1 255 213 A2) discloses a system and computer-based method for providing a network environment, customized text, content rating and/or review based on certain information, wherein information is based on what a customers has read.

Point of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Helene R. Rose whose telephone number is (571) 272-0749. The examiner can normally be reached on 8:00am - 4:30pm Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (571) 272-4023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Helene R Rose
Technology Center 2100
December 22, 2005

